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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,776	11/28/2001	Arnold Mai	13201.00070	2585

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PATENT ADMINSTRATOR
KATTEN MUCHIN ZAVIS ROSENMAN
525 WEST MONROE STREET
SUITE 1600
CHICAGO, IL 60661-3693

EXAMINER

LUK, EMMANUEL S

ART UNIT

PAPER NUMBER

1722

DATE MAILED: 08/13/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,776

Applicant(s)

MAI ET AL.

Examiner

Emmanuel S. Luk

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) *✓*
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 1722

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spurr et al (4310282).

Spurr teaches the claimed apparatus having a first and second slide (306, 308), having an actuator (314) connected to one of the connecting bars (302, 304), the actuator is therefore connected to one of the slides since the connecting bars are connected at the ends to a respective slide (Fig. 12), the slides move in opposite directions and transmission means are connected to the slide bars, the transmission means being a gearwheel and toothed faces on the slide (Fig. 4 and Fig. 12), the actuation means are on the slides.

Spurr fails to teach a stripper assembly and pivoting lever.

In regards to the dependent claims 8 and 9, claim 9 is improperly dependent on claim 8. Both claims are describing different embodiments of the transmission means, in this case, the pivoting levers and the gearwheel with toothed faces on the slides.

Examiner suggests that claim 9 should not be dependent to claim 8 since this WILL conflict with the claimed apparatus in comparison to the specification provided by the applicants. Currently, Examiner is treating claim 9 as a separate embodiment rather than dependent on claim 8.

In regards to the pivoting lever, Spurr does teach a pivoting lever that is connected to bars (420) in Figure 15. Here, the pivot of the will move the bars in opposite directions.

In regards to the stripper assembly, Spurr teaches an apparatus for retaining the parisons and the opening and closing mechanisms. The structure provided by Spurr is

Art Unit: 1722

the same as the claimed apparatus and thus the claimed apparatus does not provide a patentably distinct feature from Spurr. Both are used in molding apparatus and the apparatus in Spurr is used in injection molding machines wherein the parisons are then removed to be blow molded (Col. 2, lines 9-15). It would have been obvious to one of ordinary skill in the art to recognize that the structure of Spurr can be used as a stripper mechanism for holding and subsequent release of the parisons from the mold cores.

It would have been obvious to one of ordinary skill in the art to modify Spurr with the pivoting lever in replacement of the gearwheel for transmission means for moving the slides in opposite directions.

5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spurr et al (4310282) as applied to claims 1-10 above, and further in view of Harrison et al (6461141 B1).

~~Spurr et al fails to teach cam and cam follower on the slides.~~

Harrison teaches cam tracks (42) that are used for defining a prerelease position for the slides (25, 26) and the cam tracks having a cam insert (53) and cam followers (41).

It would have been obvious to one of ordinary skill in the art to modify Spurr et al with cam and cam followers on the slides as taught by Harrison et al for providing an adjustable means for facilitating placement of the molded article into an article receiver during the molding process.

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Knepper et al, Brun, Jr. et al, Hestehave and Fischer.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel S. Luk whose telephone number is (703) 305-1558. The examiner can normally be reached on Monday through Friday 8 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on (703) 308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

E.L.
August 6, 2003


W. L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700